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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 002277

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TAGS: [PREL](#) [PARM](#) [KNNP](#) [ETRD](#) [SY](#) [EUN](#) [USEU](#) [BRUSSELS](#)

SUBJECT: EU AGREES NEW NON-PROLIFERATION TEXT FOR SYRIA
ASSOCIATION AGREEMENT

REF: BRUSSELS 0338 AND PREVIOUS

Classified By: USEU POLOFF LEE LITZENBERGER; REASONS 1.5 (B,D)

1. (C) Summary. On May 26, the EU agreed to new non-proliferation language for inclusion in the draft EU-Syria Association Agreement. Last December, EU member states rejected an ad ref text negotiated by the European Commission for including non-proliferation language that was too watered down from the EU's model text. As EU president since January, Ireland has been working to devise new language that would meet member state concerns and respond to issues raised by Syria (e.g. reference to a nuclear weapons free zone). The new language, obtained by USEU and at para 7 below, has not been shown to Syria. The EU proposal is to commit Syria to take steps to set up an effective export control system, and to ratify and implement all international agreements on non-proliferation. It is unlikely that EU members could agree on any substantive changes to the text, and EU negotiators will basically present Damascus with a take-it-or-leave-it proposition. Syria may balk at the text and walk away; should it instead seize the opportunity to demonstrate that it is not isolated internationally, an EU-Syria Association Agreement could be initialed as early as mid-June. End Summary.

EU Agrees Non-Proliferation Language for Syria

2. (C) On May 26, EU Permanent Representatives (COREPER) ended months of internal wrangling and agreed on revised non-proliferation language for inclusion in the EU's Association Agreement with Syria. Last November, the EU endorsed "model" non-proliferation language that the Commission then negotiated with Syria, reaching ad ref agreement in December on language that was somewhat watered down from the Council's model text. In January, EU member states rejected the Commission's negotiated language (reftel), putting the otherwise completed agreement on ice. Some EU members (and the Commission) argued that an agreement based on the negotiated text was worth more than insisting on more precise language and risking having Syria walk away from any agreement. Others (the UK, Netherlands, and Germany) insisted that the EU press Syria -- as a country of non-proliferation concern -- to agree to a comprehensive text.

Irish bridge the gap

3. (C) The Irish, as EU president since January, took two shots at bridging the gap between the two sides. The first attempt earlier this year failed, but their second effort succeeded this week in garnering consensus support among all 25 EU members. USEU has obtained an informal copy of the agreed text (para seven below). The new text is very similar to the (non-watered-down) model EU language originally agreed in November; in places even going further in specifying steps Syria will take in establishing an export control system. The agreed text also commits both parties to work toward a "Middle East zone free of weapons of mass destruction," an issue raised by Syria and a reference to Israel.

Complex Next Steps, Even if Syria Agrees

4. (C) Syria has not seen the new text yet; the Commission expects to present it to Damascus in the next few weeks. The Commission Syria desk (protect) expects that the language will be difficult to sell. A text, if agreed to by Syria, will require formal approval by Syria and the European Parliament (for the economic areas that are in the Commission's competence) and ratification by all 25 EU member states (for the political components of the text, including the non-proliferation portion). According to the Council Secretariat, the EU and Syria have already discussed

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implementation, on an interim basis, of the economic portion of the agreement once the European Parliament approves it. At the same time, the Council expects to begin a "political dialogue" with Syria, to include non-proliferation, terrorism, and human rights issues.

Comment

15. (C) It is possible that Syria will balk at the new language -- as reported reftel, Shara claimed he did not have complete SARG agreement on the text agreed ad ref in December. On the other hand, if Syria can find a face-saving way to accept the new language, Damascus will have in hand public proof that it is not isolated in the international community. This may be a powerful incentive in light of the recent imposition of U.S. sanctions. At this point, the decision rests entirely with Damascus. Given the difficulties the EU faced in reaching consensus on this latest text, it is unlikely to be able to agree on any substantive changes to it. The Commission will thus have virtually no latitude in its negotiations, and Syria will be given a take-it-or-leave-it proposition. Should Syria conclude that having an agreement now is worth accepting the new language, an agreement could be initialed sometime in mid to late June -- perhaps coinciding with the NATO summit in Istanbul or the US-EU summit in Ireland.

16. (C) Comment continued. From the EU perspective, the non-proliferation language gives Brussels leverage to put on hold the trade component of the agreement for political purposes. For example, should Syria not meet EU expectations to establish an effective export control system, including for dual-use goods, the EU would have grounds for withdrawing (or not implementing) selected trade provisions of the agreement.

17. (C) Text of EU agreed language on non-proliferation. (Please note the text was shared informally with USEU; and protect the fact that we have received the text.)

Begin Text:

Preamble

Considering that the proliferation of weapons of mass-destruction and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security.

Article 3 bis

The Parties reiterate their shared objective to pursue a mutually and effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, biological and chemical and their delivery systems. They agree to promote jointly the signature, ratification and implementation by all Mediterranean partners of all non-proliferation instruments, including the NPT, CTBT, BWC and CWC.

Article 4

The Parties agree to co-operate and to contribute to countering the proliferation of weapons of mass destruction, nuclear, biological and chemical, and their means of delivery through meeting in full their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations including United Nations Security Council resolutions and ensuring effective implementation. The Parties agree that this provision constitutes an essential element of this agreement.

They also agree to cooperate to this end by:

- Taking steps towards the signature, ratification, or accession, as appropriate, and full implementation of the other relevant international instruments;

- Setting up effective national systems of export, transit and en-use controls of WMD-related goods and technologies, including dual use, and containing enforcement procedures with appropriate penalties.

The political dialogue as set out in Article 5 will accompany and consolidate the elements in this article.

End Text

SCHNABEL